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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,534	04/01/2004	Lopek Drzewiecki	1814-19700	9984
23505	7590	11/29/2005	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			COY, NICOLE A	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,534

Applicant(s)

DRZEWIECKI, LOPEK

Examiner

Nicole Coy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/8/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-8 and 15-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant claims that tie members have one end attached to each structural element; however, figure 3 only depicts tie members attached to element 14.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7, 9-12, and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Willis et al. (USP 4,821,814).

With respect to claim 1, Willis et al. discloses an apparatus for centralizing an element within an opening, said apparatus comprising: a first structural element disposed about the centerline of the opening (see figure 7); a second structural element

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disposed about the centerline of the opening (see figure 7); a second structural element aligned with, and being rotatable relative to, said first structural element (see figures 6 and 7, numeral 157'); a plurality of tie members having one end attached to each structural element (see figure 7 numeral 152"); wherein said structural elements have a first position where said tie members do not cross the opening and a second position where said plurality of tie members extend across the opening (see figures 6 and 7 and column 7 lines 25-28).

With respect to claim 2, Willis et al. discloses that the structural elements are adapted to move from the first position to the second position by relative rotation of said structural elements (see column 7 lines 25-28).

With respect to claim 3, Willis et al. discloses that first structural element is stationary (see figure 7 and column 7 lines 21-28).

With respect to claim 4, Willis et al. discloses that the second structural element is rotatably connected to said first structural element (see column 7 lines 25-28).

With respect to claim 5, Willis et al. discloses that both said first structural element and said second structural element are rotatable relative to each other (see column 7 lines 25-28, wherein when said second element is rotating, said first and second element are rotatable relative to each other).

With respect to claim 7, Willis et al. discloses a plurality of pivot connections connecting the end of each of said plurality of tie members to each of said structural elements (see figure 7 numeral 153").

With respect to claim 9, Willis et al. discloses an apparatus for aligning a body with an axis comprising: a first ring defining an aperture and aligned with the axis (see figure 7); a second ring coaxial with and rotatable relative to said first ring (see figure 7 numeral 157); three tie members connected between said first ring and said second ring, wherein said rings have a first position where said tie members are disposed along the circumference of one of said rings and a second position where said tie members cross the aperture, wherein the length of each tie member is approximately equal to the diameter of said first ring (see figure 7 numeral 152" and column 7 lines 21-28).

With respect to claim 10, Willis et al. discloses that the axis is aligned with the centerline of a well bore (see column 2 lines 23-37).

With respect to claim 11, Willis et al. discloses that the first ring is attached to a stationary structure (see figure 1).

With respect to claim 12, Willis et al. discloses a power slip unit (see figure 1 numeral 50).

With respect to claim 14, Willis et al. discloses a stationary structure is a slip bowl (see figure 1 and figure 9 numeral 122).

With respect to claim 15, Willis et al. discloses a method for locating pipe in an opening comprising: providing a plurality of tie members disposed about the perimeter of the opening (see figures 6 and 7); attaching the plurality of tie members between a first structural element and a second structural element (see figure 7, wherein tie members 152 are attached between a first and second structural element); rotating the second structural element in a first direction relative to the first structural element such

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that the plurality of tie members extend across the opening and urge the pipe to the center of said opening (see figure 7 and column 7 lines 25-28).

With respect to claim 16, Willis et al. discloses a method further comprising rotating the second structural element in a second direction relative to the first structural element such that the plurality of tie members return to a position disposed about the perimeter of the opening (see column 7 lines 25-28).

With respect to claim 17, Willis et al. discloses a plurality of tie members includes three members of substantially equal lengths (see figure 7).

With respect to claim 18, Willis et al. discloses a plurality of tie members which includes three members of substantially the same length as the diameter of the circle inscribed within the opening (see figure 7).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willis et al.

With respect to claim 6, it would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have constructed the tie members with a material that has shape memory, since it has been held to be within the general

skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

With respect to claim 9, it would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have constructed the tie members from wire cable, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

With respect to claim 13, Willis et al. teaches a stationary structure which is a top drive. Willis et al. does not teach a stationary structure that is a rotary table. It is well known in the art to use rotary tables in the place of top drives. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Willis et al. by having a rotary table instead of a top drive in order to provide power to turn the drillstring in a clockwise direction (as viewed from above).


Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole Coy whose telephone number is 571-272-5405. The examiner can normally be reached on M-F 8:00-5:30, 1st F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


nac


William Neuder
Primary Examiner